

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**ABDIRAHMAN A HASHI**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL NO. 21A-UI-09232-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/19/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.3(7) - Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

On April 1, 2021, Abdirahman Hashi (claimant/appellant) appealed the March 22, 2021 (reference 10) decision that concluded the claimant was overpaid Lost Wage Assistance Payments (LWAP) in the amount of \$900.00 for a three-week period between July 26, 2020 and August 15, 2020. This determination was based on a decision dated October 28, 2020 (reference 01) that found claimant ineligible for benefits.

A telephone hearing was held on June 17, 2021, pursuant to due notice. Claimant participated personally and with the assistance of a Somali interpreter. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Was the claimant overpaid Lost Wage Assistance Payments (LWAP)?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The unemployment insurance system shows claimant has received LWAP in the amount of \$300.00 for a total of three weeks, from the benefit week ending August 1, 2020 and continuing through the benefit week ending August 15, 2020. The total amount of LWAP paid during this period is \$900.00.

Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated October 28, 2020. That decision has not been appealed further and remains in force. See 20A-UI-10866-DG-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the March 22, 2021 (reference 10) decision that concluded the claimant was overpaid Lost Wage Assistance Payments (LWAP) in the amount of \$900.00 for a three-week period between July 26, 2020 and August 15, 2020 is **AFFIRMED**.

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The Lost Wage Assistance Program was created by Executive Order 8, signed by President Trump on August 8, 2020. To receive LWAP in any given week, a claimant must be eligible to receive at least \$100.00 in unemployment benefits per week, and the individual must self-certify that he or she is unemployed or partially unemployed as a result of the COVID-19 pandemic.

The unemployment insurance system shows claimant has received LWAP in the amount of \$300.00 for a total of three weeks, from the benefit week ending August 1, 2020 and continuing through the benefit week ending August 15, 2020. The total amount of LWAP paid during this period is \$900.00.

Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated October 28, 2020. That decision has not been appealed further and remains in force. See 20A-UI-10866-DG-T.

Because claimant is not eligible for regular unemployment insurance benefits during the period in question, neither is he eligible for LWAP during that period. He has therefore been overpaid LWAP in the amount of \$900.00.

**DECISION:**

The March 22, 2021 (reference 10) decision that concluded the claimant was overpaid Lost Wage Assistance Payments (LWAP) in the amount of \$900.00 for a three-week period between July 26, 2020 and August 15, 2020 is AFFIRMED.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

June 30, 2021  
Decision Dated and Mailed

abd/mh

***Note to Claimant:***

This decision determines you have been overpaid FPUC, PEUC, and/or LWAP. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.